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10 Attorneys for Plaintiff:
11 *Federal National Mortgage Association*
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13 **UNITED STATES DISTRICT COURT**
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15 **DISTRICT OF NEVADA**
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17 FEDERAL NATIONAL MORTGAGE
18 ASSOCIATION; PHH MORTGAGE
19 CORPORATION,
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21 Plaintiffs,
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23 vs.
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25 AURORA PEAK AVENUE TRUST,
26

27 Defendant.
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Case No. 2:17-cv-02521-JAD-VCF

29 **JOINT STIPULATION/MOTION TO
30 DROP PHH MORTGAGE
31 CORPORATION AS PLAINTIFF**
32

33 ECF Nos. 15, 18
34

35 Co-Plaintiffs Federal National Mortgage Association (“Fannie Mae”) and PHH Mortgage
36 Corporation (“PHH”), by and through their undersigned counsel of record, hereby move this
37 Honorable Court to drop or remove PHH as a party plaintiff pursuant to Fed. R. Civ. P. 21. To
38 assist with obtaining a final order or judgment of this Court, this motion is simultaneously filed
39 with and in conjunction with Fannie Mae’s Application for Default Judgment and relies on the
40 Declaration of Graham Babin attached thereto and contained therein as Exhibit 3 (“Babin Dec.”).

41 This action was originally brought and filed on behalf of Fannie Mae and its then loan
42 servicer PHH. (See Babin. Dec. at ¶ 9; see also ECF No. 1 at ¶ 26). Fannie Mae owns the loan
43 and deed of trust at issue, and ultimately seeks a declaratory judgment that its deed of trust
44 continues to encumber the property located at 8240 Aurora Peak Ave., Las Vegas, Nevada,
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1 89131, APN 125-16-114-014 (hereinafter the “Property”), despite a homeowners association
2 (“HOA”) foreclosure sale of the Property. (See ECF No. 1 at ¶¶ 1 & 12).

3 However, PHH no longer services the loan at issue for Fannie Mae. (See Babin Dec. at ¶
4 9). PHH’s servicing rights were transferred to Rushmore Loan Management Services, LLC in
5 the middle of this litigation on or about May 31, 2018. (See *id.*). PHH therefore no longer has
6 an interest in this litigation, while Fannie Mae continues to own the loan and deed of trust at
7 issue.

8 Under Fed. R. Civ. P. 21, a “court may at any time, on just terms, add or drop a party.”
9 Although this rule is often applied in the context of misjoinder and nonjoinder of parties, courts
10 may use this rule outside that context. *See* 4 Moore’s Federal Practice – Civil § 21.05 (2019).
11 When exercising its discretion to add or drop a party, courts consider principles of fundamental
12 fairness and judicial efficiency including prejudice to a party and undue delay. *See* 4 Moore’s
13 Federal Practice – Civil § 21.02 (2019).

14 Notably in this case, no prejudice or undue delay would result from dropping PHH as a
15 party. PHH no longer has an interest in this matter as servicer of the loan at issue, and removing
16 it as a party plaintiff would help facilitate a final judgment through Fannie Mae’s pending
17 Application for Default Judgment.

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1 For these reasons, Fannie Mae and PHH respectfully request an order removing PHH as a
2 party plaintiff so that the instant action can proceed in the name of Fannie Mae only.

3 Dated this 30th day of July, 2019

4 ALDRIDGE PITE, LLP

5
6 /s/ *Jory C. Garabedian*

7 *Jory C. Garabedian*
8 Nevada Bar No. 10352
9 *Attorneys for Plaintiff*
Federal National Mortgage Association

Dated this 30th day of July, 2019

BALLARD SPAHR, LLP

/s/ *Joel E. Tasca*

Joel E. Tasca
Nevada Bar No. 14124
Attorney for Plaintiff
PHH Mortgage Corporation

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11 **IT IS SO ORDERED.**

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